

REMARKS

Claims 1-10 are all the claims pending in the application.

Claim Rejections Under 35 U.S.C. § 112:

Claims 1-2 are rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 1 has been amended to clarify that the device comprises the RAM and the processing unit. It is submitted that the above amendment to claim 1 overcomes this rejection.

Claim Rejections Under 35 U.S.C. § 101:

Claims 5-10 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 5 has been amended to clarify that the franking machine has a display on which the warning message is displayed. Thus, it is submitted that the process is now tied to a particular apparatus (the display) thereby satisfying the requirements of § 101. Support for this amendment can be found on page 7, lines 6-11, of the specification which states that the warning message is “displayed” during step 32. Accordingly it is respectfully requested that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-3, 6, 7, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baum, et al. (U.S. Patent No. 7,103,583) in view of Dlugos, et al. (U.S. Patent No. 6,463,133). Further, claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baum, et al. in view of Dlugos, et al., as applied to claim 1 in further in view of Thiel. Finally, claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baum, et al. in view of

Dlugos, et al. as applied to claim 5, and in further in view of Eckert (U.S. Patent No. 4,516,014).
For the following reasons, Applicant respectfully traverses the Examiner's rejections.

As acknowledged by the examiner on the bottom of page 2 of the Office Action, Baum et al does not disclose emitting a message to the operator in order that the operator can decide whether to replace the old postal tariffs with the new postal tariffs.

To compensate for this deficiency the examiner cites Dlugos et al. However, if it is in fact true that this reference discloses emitting a message to the operator when the postal tariffs must be changed (column 4 lines 30 and 31), it is false to conclude that the operator can further decide to make or not to make this change.

Indeed, the process for changing the postal tariffs is illustrated in Figure 3 and, as clearly shown by block 200, one of the first step of this process is **to erase old rate data from memory**. Consequently, the operator has no choice because if it does not load new data onto this memory the franking machine can no longer operate.

On the contrary, according to the claimed invention, the first table with the old data and the second table with the new data are present simultaneously in the franking machine and the operator can alone decide to replace or not the old data with the new data.

Thus, the prior art fails to teach or suggest the following limitations respectfully recited in independent claims 1 and 5:

wherein said comparing means provides for a determination as to whether there is a change in postal tariffs being compared, and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs, whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table. (Claim 1)

when a date of application of new postal data previously loaded in the franking system is identical to or earlier than a franking date desired by an operator of the franking system, comparing these new postal data with current postal data present in the RAM to determine whether there is a change in postal data; displaying a message on the display of the franking system alerting the operator to the expiration of tariffs when it has been determined that the postal data has changed; and a decision by the operator whether to replace the current postal data with the new postal data. (Claim 5)

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: February 6, 2009